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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BARBARA A. WILHELM,
Plaintiff

v.

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

NO. 1:CV-01-1057

(JUDGE RAMBO)

FILED
HARRISBURG, PA

NOV 05 2002

MARY E. DIAMONDA, CL
Per:

**DEFENDANTS' MOTION TO EXPEDITE PLAINTIFFS'
RESPONSES TO DISCOVERY**

Pursuant to Fed.R.Civ.P. 33(b)(3) and 34(b), defendants hereby move the Court expedite plaintiff's responses to defendants' second set of interrogatories and requests for production of documents by ordering that responses be served no later than November 25, 2002. In support of this motion defendants state as follows:

1. This action challenges plaintiff's dismissal from employment with the Pennsylvania State Police as retaliatory in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*

2. A jury entered a verdict in favor of plaintiff on September 11, 2002 and awarded her \$250,000 in backpay and compensatory damages.

3. The Court scheduled a hearing on equitable relief on October 23, 2002.

4. The Court continued the hearing and reopened discovery in the matter because plaintiff failed to disclose her expert and damage calculations in a timely manner in advance of the hearing. Discovery ends on December 30, 2002.

5. The Court ordered plaintiff to serve her expert report by November 4, 2002. Defendants are permitted to depose the expert no later than November 15. Defendants may serve their own expert report by December 6, 2002. Plaintiff may depose defendants' expert by December 20. Supplemental expert reports are due December 30. The hearing is scheduled to reconvene on January 22, 2003.

6. As of the date of this motion, defendants are serving discovery requests on plaintiff. A true and correct copy of defendants requests are attached to this motion.

7. Under the rules plaintiff's responses are not due for 30 days plus three days for mailing. *See* Fed.R.Civ.P. 33(b)(3), 34(b), 6(e). That is, plaintiff's responses would not be due until December 9, three days after defendants' expert report is due.

8. Defendants believe that the responses to their discovery will be helpful to their expert and would like to make the responses available to him before his report is completed.


9. The discovery requests are not extensive or burdensome. Indeed two of the requests largely repeat requests that had been made previously in this litigation and either were not answered or require supplementation.

WHEREFORE, defendants respectfully request the Court to expedite the time within which plaintiff must respond to defendants' second set of interrogatories and requests for production of documents and require plaintiff to serve her responses no later than November 25.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
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(717) 787-9831- Direct
(717) 772-4526 - Fax

DATED: November 5, 2002

**DEFENDANTS' SECOND SET
OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF**

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BARBARA A. WILHELM,
Plaintiff

v.

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

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NO. 1:CV-01-1057

(JUDGE RAMBO)

**DEFENDANTS' SECOND SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

The definitions and instructions set forth in defendants' first set of interrogatories and first request for production of documents to plaintiff shall apply to these interrogatories and requests for production of documents.

1. Identify plaintiff's husband, his job and his employer.

RESPONSE:

2. Describe in detail the health care benefits plaintiff , her husband and their children receive through his employment. Include in your answer:

- a. The nature of each benefit.
- b. Identify the provider of each benefit.
- c. Describe the coverage provided under each benefit.
- d. State the terms under which each benefit is provided including co-pays, limitations on services, etc.

RESPONSE:

3. Identify each person plaintiff contacted and each person that contacted plaintiff about employment opportunities since October, 2001. For each person identified:

- a. Identify and describe the employment opportunity;
- b. State whether an interview was offered and indicate plaintiff's response;
- c. If an interview was held state the date on which it occurred and identify who conducted it.;
- d. State whether employment was offered and indicate plaintiff's response.
- e. If employment was offered, state the salary of the position offered and describe all benefits as requested in interrogatory 2.

RESPONSE:

4. Has plaintiff asked for an evaluation of her qualifications by the Civil Service Commission? If the answer is yes,
- a. State the date(s) plaintiff requested an evaluation;
 - b. Identify all positions the Commission indicated plaintiff was qualified for without the need to take an examination;
 - c. Identify all positions for which the Commission indicated plaintiff was qualified to test; and
 - d. Identify all Civil Service examinations plaintiff has taken since her dismissal from the State Police and the date on which each examination was taken.

RESPONSE:

5. State whether plaintiff has seen a vocation counselor or otherwise sought assistance in seeking employment. Describe plaintiff's efforts in this regard.

RESPONSE:

6. Produce all documents describing the health care benefits plaintiff and her family receive through her husband's employment.

RESPONSE:

7. Produce all documents related to plaintiff's search for employment following her dismissal from the Pennsylvania State Police. Include letters of inquiry to prospective employers, plaintiff's resumes, all correspondence or communications from prospective employers, notes of interviews, job postings, job descriptions, advertisements, etc. Defendants note that they previously asked for similar documentation, which was never produced. *See* Defendants' First Set of Interrogatories #2.

RESPONSE:

8. Produce plaintiff's state and federal income tax returns and attachments for the year 2000 and all subsequent years. If plaintiff has filed joint returns produce those returns. Defendants note that they previously asked for this documentation which was never produced. *See* Defendants' First Request for Production of Documents, #6.

RESPONSE:

9. Describe any training or course work plaintiff has taken since her dismissal to enhance her employability. Include in your answer,

- a. The name of each training or course;
- b. Identify who provided each training or course;
- c. Describe the substance of each training or course; and
- d. State the number of hours spent in each training or course.


RESPONSE:

10. State why plaintiff believes she has not been successful in obtaining employment since her dismissal and identify all of the facts on which she bases her belief. If her belief is based in any way on documents, produce those documents.

RESPONSE:

D. MICHAEL FISHER
Attorney General

BY:



SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

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Litigation Section
15th Floor, Strawberry Square
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DATED: November 5, 2002

CERTIFICATE OF NONCONCURRENCE


I hereby certify that I contacted counsel for plaintiff regarding the foregoing motion and he does not concur.


SUSAN J. FORNEY
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

I, **SUSAN J. FORNEY**, Chief Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on November 5, 2002, I caused to be served a copy of the foregoing document entitled **Defendants' Motion to Expedite Plaintiff's Responses for Discovery**, by depositing same in the United States Mail, first class, postage prepaid, in Harrisburg, Pennsylvania upon the following:

**Nathan C. Pringle, Jr., Esquire
3601 N. Progress Avenue, Suite 200
Harrisburg, PA 17110**



SUSAN J. FORNEY
Chief Deputy Attorney General